

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 432

Case No. 81-9

August 16, 1984

(Safeway - Map Amendment at 6501 Georgia Ave., N.W.)

Pursuant to notice, a public hearing was held by the District of Columbia Zoning Commission on June 4, 1984. At that hearing session, the Zoning Commission considered an application from the Realty and Equipment Corporation on behalf of Safeway Stores Inc., to amend the Zoning Map of the District of Columbia, pursuant to Section 9101 of the Zoning Regulations of the District of Columbia. The hearing was conducted pursuant to Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. This application for rezoning was originally filed on May 29, 1981. The Zoning Commission considered the case on July 13, 1981, to decide whether to hold a public hearing. The Commission deferred a decision on that question at that time, to give the applicant the opportunity to explore other zoning alternatives, including a planned unit development or other zoning map changes. On October 1, 1981, the applicant submitted a revised application, reducing the area proposed to be rezoned. At its regular monthly meeting held on October 8, 1981, the Zoning Commission determined to set the application, as it had been revised, for public hearing. On November, 10, 1981, the applicant requested that the public hearing, then scheduled for January 18, 1982, be postponed. The Commission granted that request. On October 13, 1983, the applicant requested that the case again be scheduled for hearing. The Commission determined to hear the case, and such hearing was held on June 4, 1984. This order addresses the application as revised and presented at that hearing.
2. The application requests a change of zoning from R-1-B to C-2-A for a portion of lot 19 and part of an existing alley to be closed in Square 2974. The square is bounded by Van Buren Street on the north, Georgia Avenue on the west, Underwood Street on the south, and Piney Branch Road, N.W., on the east.

3. The applicant requests the rezoning in order to expand the existing Safeway Store located at 6501 Georgia Avenue, N.W. The proposed expansion would result in a rezoning of approximately 17,515 square feet of land. The entire property upon which the existing store and parking lot are located contains approximately 130,000 square feet. The portion of the property which is the subject of this application is located east of the existing store on the north side of Underwood Street and is now used as part of the parking lot.
4. The R-1-B District permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot area of 5000 square feet, a minimum lot width of fifty feet, a maximum lot occupancy of forty percent, and a maximum height of three stories/ forty feet.
5. The C-2-A District permits matter-of-right medium density development including office, retail, and all kinds of residential uses to a maximum floor area ratio (FAR) of 2.5 with non-residential uses limited to 1.5 FAR, a maximum height of fifty feet, and a maximum lot occupancy of sixty percent for residential uses.
6. All the property in Square 2974 fronting on Georgia Avenue is presently zoned C-2-A. Such properties presently are developed with the Safeway food store and a liquor store. The remainder of Square 2974 is zoned R-1-B and is utilized as parking for the existing Safeway store pursuant to approvals from the Board of Zoning Adjustment in Cases 7086 and 7087.
7. South of the Safeway site across Underwood Street is the New Bethel Church of God. Single family detached dwellings are found on the north side of Van Buren Street and on the east side of Piney Branch Road across from the Safeway parking lot. Single family detached homes predominate in the areas immediately surrounding the site. These homes are in very good physical condition and are extremely well maintained. There are a number of dentists' and doctors' offices in single family homes in the vicinity. Three story garden apartments are found north of Van Buren Street in a narrow R-5-B District which also adjoins Walter Reed Army Medical Center. The predominant residential zoning in the vicinity is R-1-B west of Georgia Avenue and north of Underwood Street, and R-2 zoning east of Georgia Avenue and south of Underwood.
8. The C-2-A commercial strip which includes the Safeway has a wide range of service and retail establishments. In the vicinity are several fast food restaurants,

banks, dry cleaning stores, gas stations and a Hechinger's hardware/lumber store at Missouri Avenue.

9. The applicant proposes to rezone the subject property in order to expand the existing Safeway store. The existing Safeway store at this location was constructed in 1964 and was extensively remodeled in 1980. The existing one story structure has a gross floor area of approximately 27,842 square feet and a floor area ratio of 0.52. The applicant proposes to enlarge the existing store to 42,000 square feet for an increase of 14,158 square feet or approximately fifty-one percent. The floor area ratio of the expanded facility will be 0.59. In addition to enlarging the facility, Safeway proposes to reorient the entrance of the store away from Piney Branch Road toward Van Buren Street.
10. In keeping with the recommendations of the Lewis Plan, in 1958 Square 2974 was mapped C-2 and R-1-B. The C-2 portion of the square included land fronting Georgia Avenue to a depth of 100 feet. The remainder of the square was zoned R-1-B. In 1962, application was made to the Zoning Commission on behalf of Safeway Stores, Inc., to increase the depth of the C-2 District in the southwest corner of the square from 100 feet to 167 feet. The purpose of the rezoning request, which was approved by the Zoning Commission, was to enable Safeway to construct one of its stores on the site, which Safeway did in 1964.
11. In January, 1963, prior to construction of its facility, Safeway applied for and received permission from the Board of Zoning Adjustment to utilize portions of the subject square which were zoned R-1-B for accessory parking. The Board granted approval with conditions relating to screening and buffering requirements. Among the conditions was the requirement that the owner of land upon which the parking was to be located become party to a covenant which would require reservation of the land exclusively for parking as long as the improvements existed or as long as accessory off-street parking was required by the Regulations.
12. The requested rezoning of 17,515 square feet of land roughly coincides with the exterior dimensions of the proposed 14,158 square foot addition plus the required loading dock area. The rezoning will enable the applicant to update and remodel its existing facility in order to provide the product mix and specialty areas, e.g. bakery and delicatessen, desired by today's consumers.
13. As mapped in 1958 and altered slightly in 1962, the C-2-A District within which the Safeway store is

located is of insufficient depth to accommodate a modern supermarket. A Safeway store has existed on the subject site since 1964 and offers a valuable service to the surrounding neighborhood.

14. Although the applicant proposes to expand the existing Safeway on this site, if zoned C-2-A, the area for which rezoning is requested could be developed with a variety of retail service and office uses to a density of 1.5 FAR. This would be an increase of 26,272.5 square feet of gross floor area over the FAR potential currently available. The site could also be developed for residential purposes to a density of 2.5 FAR, an increase of 43,787.5 square feet of gross floor area over FAR potential currently available. A combination commercial/residential use is also possible. Regardless of the specific uses or combination thereof, building height would be limited to fifty feet.
15. The subject square has been used entirely for commercial purposes since 1964. Most of this commercial use can be attributed to Safeway and its accessory parking. As of the date of this application, Safeway has consolidated its use of land within the square through a land-swap and long term lease. The presence of a neighborhood serving commercial facility whose operational characteristics are fairly well known by adjacent and nearby property owners is thus assured for a number of years to come.
16. The loss of seventy-two grocery stores within the District, between 1974 and 1980, and the corresponding decrease in jobs, is a matter of grave concern to both city officials and city residents. The subject application directly relates to Safeway's desire to continue operation of its store at 6501 Georgia Avenue but to do so in a manner which better serves its customers, permits better utilization of the site, and allows more efficient store operation.
17. The Economic Development Element (Title II) of the District of Columbia Comprehensive Plan Act of 1984 (D.C. Act 5-112) establishes the following goals, objectives, and policies which directly relate to this application: retain and expand existing businesses (Sec. 202); create and expand economic activity in target areas outside the Central Employment Area including the Georgia Avenue, N.W., corridor (Sections 211 and 212 (2)); revitalize older business areas outside the Central Employment area which, in conjunction with seeding new businesses, will expand the City's economic tax base, create jobs, and enhance residential neighborhoods (Section 201 (k)). This application meets all of the above goals.

18. The applicant's traffic expert testified that the proposed rezoning would not adversely impact the neighborhood, as the actual increase in the amount of traffic passing through during the peak hours would be imperceptible. He further testified that the number of trips generated for a food store is the highest and yet the increase would still not be perceived because of the small amount of increase in retail space. The Commission so finds.
19. The Office of Planning, by memorandum dated May 25, 1984, and by testimony at the hearing, recommended approval of the requested map amendment. The Office of Planning noted that the area to be rezoned is relatively small and constitutes the building footprint of a proposed addition to an existing facility plus required loading dock area. Absent an approved map amendment, expansion of and improvements to the existing grocery store would be precluded due to the shallow depth of the C-2-A District at this location. Residents of the surrounding area would be deprived of the benefits and services of a full service, modern facility. In addition, the Office of Planning reported that city policies encourage the retention and expansion of existing businesses outside the Central Employment Area especially in the Georgia Avenue corridor. The Office of Planning noted that if Safeway sold the property or discontinued its use of the site, the integrity of the C-2-A District and the buffering of adjacent residential property would remain. The Commission concurs with the findings of the Office of Planning.
20. The Department of Public Works (DPW), by memorandum dated May 25, 1984, reported that the expanded Safeway would generate between fifty and seventy additional peak hour vehicle trips over current levels. The DPW noted that traffic from the Safeway lot during the afternoon peak is not all generated by the food store. It is likely that a large percentage of this traffic is and will continue to be work to home travel that is being diverted from Georgia Avenue and Piney Branch Road and would travel these routes whether or not the store were at that location. The DPW capacity analysis of the Georgia Avenue-Piney Branch Road intersection indicated that during the evening peak hour, northbound traffic on Georgia Avenue operates at level of service D or better. The additional trips generated by the expanded Safeway store would not measurably change the level of service at this intersection. All other nearby intersections operate at level of service B or better. The DPW further reported that potential traffic generated by other retail uses which could be established as a matter-of-right could be absorbed within the capacity of the street system. The

Department supported the application, since the applicant's expansion plans will have a negligible impact on traffic operations on the adjoining and neighboring streets. The Commission concurs with the findings of the Department of Public Works.

21. The Office of Business and Economic Development, by memorandum dated May 25, 1984, supported the proposed change of zoning. The Office reported that it is the longstanding policy of the District Government to support grocery facilities within its borders. The loss of retail facilities in the District has been a matter of such great concern to the District that the retention and revitalization of businesses in the city is an element of the Comprehensive Plan. Grocery stores are a particularly sensitive retail facility in that smaller, older stores are not profitable for large chains to operate. Therefore, the stores are either closed or expanded. The fact that seventy-two groceries closed in the District between 1974 and 1980 indicates the need for the District Government to assist grocery expansion as the alternative to closures. The Commission concurs with the report of the Office of Business and Economic Development.
22. The Department of Finance and Revenue, by memorandum dated May 18, 1984, and the Metropolitan Police Department, by memorandum dated May 18, 1984, supported the proposed rezoning.
23. Advisory Neighborhood Commission 4B, by letters dated May 25 and June 14, 1984, recommended that the change of zoning be approved. The ANC indicated its concerns about noise and appearance of trucks making deliveries to the loading dock, and indicated that representatives of Safeway had addressed those concerns.
24. Plan Takoma, Inc., by letter dated May 24, 1984, supported the proposed change of zoning, on the grounds that it would result in the expansion and upgrading of the existing Safeway store, improving the provision of food and related services to the community.
25. The Brightwood Community Association, by letter dated May 16, 1984, supported the proposed rezoning.
26. There was no opposition to the proposed change of zoning.
27. The decision of the Zoning Commission in this application was referred to the National Capital Planning Commission under the terms of the District of Columbia Self-Government and Government Reorganization Act. The National Capital Planning Commission reported that

the proposed change of zoning would not adversely affect the Federal Establishment or other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. Rezoning to C-2-A is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat. 797) by furthering the general public welfare and serving to stabilize and improve the area.
2. Rezoning to C-2-A will promote orderly development in conformity with the entirety of the District of Columbia zone plan as stated in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to C-2-A is not inconsistent with the Comprehensive Plan for the National Capital.
4. Rezoning to C-2-A will not have an adverse impact on the surrounding neighborhood.
5. The Commission takes note of the position of Advisory Neighborhood Commission 4B and in its decision has accorded to the ANC the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission of the District of Columbia hereby approves a change of zoning from R-1-B to C-2-A for that portion of lot 19 and the public alley to be closed in Square 2974 as shown on the attached plat.

Vote of the Zoning Commission at the public meeting held on July 9, 1984: 4-0 (Lindsley Williams, Maybelle T. Bennett, George M. White and Walter B. Lewis to approve, John G. Parsons not present, not voting).

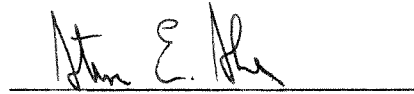
This Order was adopted by the Zoning Commission at its public meeting held on August 16, 1984 by a vote of 4-0 (Lindsley Williams, Maybelle T. Bennett, George M. White, and Walter B. Lewis, to adopt - John G. Parsons, not present not voting).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, the amendment to the Zoning Map is effective upon publication in the D.C. Register, specifically on

24 AUG 1984.



WALTER B. LEWIS
Chairman
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

ZC81-9/BJW4

DESCRIPTION OF PROPERTY

Part of Lot 19 Square 2974
Washington, D.C.

Rezoned from R-1-B to C-2-A

Beginning at a point on the northerly side of Underwood Street, N.W., as shown on the plat of Square 2974 as recorded in the office of the Surveyor for the District of Columbia in Liber 63 at Folio 19, said point being located along said side of Underwood St., N.W. a distance of 167 feet east of the east side of Georgia Ave., N.W. as shown on said plat of Square 2974; thence from said point of beginning and running in a northerly direction with the line dividing the C-2-A zone and the R-1-B zone a distance of 161 feet; thence continuing by the same in a westerly direction a distance of 60 feet; thence continuing by the same in a northerly direction a distance of 20 feet; thence by lines through lot 19 of said Square 2974 in an easterly direction a distance of 144 feet; thence in a southerly direction 183 feet to the aforesaid northerly side of Underwood St., N.W.; thence along the said side of Underwood St., N.W., in a westerly direction a distance of 97 feet to the point of beginning.

Containing 17,515 square feet of land more or less.